

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)
GENERAL PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO.
NECESSITY TO CONSTRUCT A CELL SITE) 98-341-UAC
(GREENVILLE #2) IN RURAL SERVICE AREA #3)
(MUHLENBERG) FOR THE COMMONWEALTH OF)
KENTUCKY)

O R D E R

On February 8, 1999, Kentucky RSA #3 Cellular General Partnership ("Kentucky RSA #3 General Partnership") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 3 ("RSA No. 3"). The proposed cell site is to be located at 701 Bass Lane, Greenville, Muhlenberg County. The coordinates for the cell site are North Latitude 37° 11' 25" by West Longitude 87° 11' 51".

Kentucky RSA #3 General Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Greenville #2 cell site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), Kentucky RSA #3 General Partnership has submitted the uniform application to the Muhlenberg County Planning and Zoning Commission for the

proposed construction. To date, the Muhlenberg County Planning and Zoning Commission has filed no comments. Kentucky RSA #3 General Partnership has filed applications with and received approvals from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Greenville #2 cell site.

Kentucky RSA #3 General Partnership has filed notices verifying that each person who owns property within 500 feet of the cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Kentucky RSA #3 General Partnership should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Kentucky RSA #3 General Partnership.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky RSA #3 General Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the Greenville #2 cell site in RSA No. 3 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Kentucky RSA #3 General Partnership is granted a Certificate of Public Convenience and Necessity to construct and operate the Greenville #2 cell site.

2. Kentucky RSA #3 General Partnership shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 21st day of May, 1999.

By the Commission

ATTEST:

Executive Director